

**Runabai and ors. Vs. Mannalal and ors.**

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**SooperKanoon Citation :** [sooperkanoon.com/511885](http://sooperkanoon.com/511885)

**Court :** Madhya Pradesh

**Decided On :** Apr-20-2007

**Reported in :** 2008ACJ1623

**Judge :** S.K. Kulshrestha and ;Viney Mittal, JJ.

**Appellant :** Runabai and ors.

**Respondent :** Mannalal and ors.

**Disposition :** Appeal allowed

**Judgement :**

**S.K. Kulshrestha and Viney Mittal, JJ.**

1. This appeal has been filed assailing the award dated 10.10.2005 of the Motor Accidents Claims Tribunal, Kukshi, District Dhar by which the claim of the appellants under Section 166 of the Motor Vehicles Act, 1988 has been dismissed on the ground that the Tribunal in the facts and circumstances of the case, had no jurisdiction. Learned Counsel for the appellants submits that since the said remedy has been exhausted, he is not entitled to invoke the jurisdiction of the Workmen's Compensation Commissioner.

2. We have perused the bar contained in Section 167 of the Act and we are of the opinion that where in a given case the Tribunal does not have the jurisdiction, the

bar created by Section 167 will not become operative.

3. Under these circumstances, we allow the appellants to approach the Commissioner for Workmen's Compensation to seek relief in respect of the death of Ramesh. The appeal is thus disposed of with the above liberty to the appellants.

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